

# INDIAN AFFAIRS MANUAL

Part 25

Safety and Risk Management Program

Chapter 6

Employee Injury Compensation Program

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**1.1 Purpose.** This chapter establishes Indian Affairs (IA) policy for the Federal Employees' Compensation Act (FECA) and the IA Employee Injury Compensation Program. FECA provides compensation benefits to civilian employees of the United States Government for disability due to personal injury or disease sustained while in the performance of duty.

**1.2 Scope.** This policy applies to all offices under the authority of the Assistant Secretary - Indian Affairs (AS-IA), including offices reporting to the AS-IA, the Bureau of Indian Affairs (BIA), and the Bureau of Indian Education (BIE).

**1.3 Policy.** It is the policy of IA to comply with all applicable federal laws and regulations, and Department of the Interior (DOI) policies and procedures on employee injury compensation, and ensure that resources are available to facilitate compliance.

## **1.4 Authority.**

### **A. Statutes and Regulations.**

- 1) 5 U.S.C. §§ 8101 et seq., FECA
- 2) 20 CFR 10, Claims for Compensation Under the Federal Employees' Compensation Act, as amended

### **B. Guidance.**

- 1) U.S. Department of Labor (DOL), Office of Workers' Compensation Programs (OWCP) Publication CA-810: Injury Compensation for Federal Employees, Revised 2009

### **C. Handbooks.**

Additional program information is further detailed in the BIA Safety and Health Handbook for Field Operations (Oct.5, 2004) and is incorporated into this IAM chapter by reference. The handbook can be found here: <https://www.bia.gov/policy-forms/handbooks>

## **1.5 Responsibilities.**

- A. Director, Office of Facilities, Property, and Safety Management (OFPSM)** is the IA-Designated Safety and Health Official (IA-DASHO) and is responsible for managing and administering the IA Safety and Risk Management Program (SRMP). The Director reports to the IA Deputy Assistant Secretary – Management (DAS-M) and is responsible for oversight, policy, and procedures governing IA facilities

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management and construction, property, safety, and risk management, including the administration and management of the Employee Injury Compensation Program.

- B. Chief, Division of Safety and Risk Management (DSRM), OFPSM** is the Workers Compensation Coordinator (WCC) for Central Office programs, and is responsible for assisting injured employees and their supervisors in occupational injury, occupational disease or illness, continuation of pay, and investigation and documentation of accidents/incidents for AS-IA office programs.
- C. Directors, BIA and BIE** are responsible for ensuring that managers, supervisors, and employees comply with the requirements of the Employee Injury Compensation Program.
- D. Regional Director (RD)** is responsible for implementing and administering the Employee Injury Compensation Program in his/her region, and providing support and adequate resources (staff and budget) to effectively implement and administer the program.
- E. Regional Safety Manager (RSM)** is the designated WCC for his/her region, and responsible for assisting injured BIA and BIE employees and their supervisors with traumatic injury, occupational disease or illness, continuation of pay, wage loss compensation, and return-to-work efforts. The RSM is also responsible for investigating and documenting accidents/incidents within his/her respective region, reviewing and verifying chargeback reports, and completing the DOI Safety Management Information System (SMIS) Safety Manager accident/incident initial review within seven (7) calendar days following the date that appropriate management personnel were notified of the accident/incident.
- F. BIA and BIE Field WCCs** are responsible for assisting injured BIA and BIE employees and their supervisors with traumatic injury, occupational disease or illness, continuation of pay, and/or wage loss compensation efforts, and investigating and documenting accidents/incidents within their respective geographical jurisdictions.
- G. Director, Office of Human Capital Management (OHCM)** is responsible for providing human resource assistance to the Employee Injury Compensation Program by ensuring there is a process in place to return injured employees to work as soon as medically feasible.
- H. BIA Regional and BIE Human Capital Offices** are responsible for assisting supervisors with light duty and alternate work assignments for injured employees.

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- I. **Managers and Supervisors** are responsible for ensuring injured employees receive proper medical treatment, authorizing medical care, ensuring the injured employee initiates the process for claims for compensation through the SMIS, completing the supervisor portion of the appropriate forms, and ensuring compliance with the DOL OWCP requirements.
- J. **Employees** are responsible for immediately notifying their supervisor of any on-the-job injury and obtaining the authorization from the supervisor to seek medical treatment. Injured employees must initiate the process for all safety-related events, including claims for compensation, through SMIS. SMIS will guide the employee through the process, including directing the employee to the DOL OWCP's Employees' Compensation Operations and Maintenance Portal (ECOMP) to finalize his/her work-related injury or illness claim.

### 1.6 Definitions.

- A. **Continuation of Pay (COP)** is continuation of an employee's regular salary for up to 45 calendar days of wage loss due to disability and/or medical treatment following a traumatic injury. The intent of this provision is to eliminate interruption of the employee's income while OWCP is processing the claim. COP is not considered compensation and is therefore subject to deductions for income tax, retirement, etc.
- B. **Employees' Compensation Operations and Management Portal (ECOMP)** is the DOL OWCP's web-based system for electronically filing Form CA-1: Notice of Traumatic Injury and Claim for Continuation of Pay/Compensation or Form CA-2: Notice of Occupational Disease and Claim for Compensation for benefits under the FECA.
- C. **Exclusiveness of Remedy** means that the benefits provided under the FECA constitute the sole remedy against the United States for work-related injury or death. A federal employee or surviving dependent is not entitled to sue the United States Government or recover damages for such injury or death under any other law.
- D. **Occupational Disease or Illness** is a condition produced in the work environment over a period longer than a single workday or shift. It may result from systemic infection; repeated stress or strain; exposure to toxins, poisons, or fumes; or other continuing conditions of the work environment.
- E. **Safety Management Information System (SMIS)** is the DOI's web-based system to electronically initiate the process for all safety-related events, including traumatic injuries, occupational disease or illness, and claims for compensation.

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- F. Traumatic Injury** is a condition of the body caused by a specific event or incident, or series of events or incidents, within a single workday or shift. Such a condition must be caused by external force, including stress or strain, which is identifiable as to the time and place of occurrence and limb or function of the body affected.

### 1.7 Standards, Requirements, and Procedures.

Worker's compensation is a benefit entitlement and must be managed carefully. The FECA is intended to be remedial in nature, and proceedings under it are non-adversarial. The goal is to return injured employees to work as soon as possible. The employee and supervisor are expected to communicate regularly to discuss the employee's full or partial return to duty.

#### A. Reporting Injuries and Filing/Processing Claims

All work related injuries and illness workers' compensation claims must be initiated electronically using the DOI SMIS.

##### 1) Traumatic Injury – Procedures

**Employees** must:

- a. Report injuries as soon as possible to their supervisor and obtain medical care.
- b. Initiate the process for all safety-related events through SMIS.
- c. File Form CA-1: Notice of Traumatic Injury and Claim for Continuation of Pay/Compensation as soon as possible, but not later than 30 calendar days following the injury through ECOMP to be eligible for COP.
- d. Obtain authorization from their supervisor to seek medical treatment using Form CA-16: Authorization for Examination and/or Treatment, for injuries sustained within a single day or work shift.
- e. Have witnesses complete statements when applicable.
- f. Confirm electronic receipt of claim by their supervisor.
- g. Provide their supervisor with regular updates on the status of their medical recovery, including written status reports from the medical provider, as well as the expected date of return to work.

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### 2) **Occupational Disease or Illness - Procedures**

**Employees must:**

- a. Notify their supervisor of the date when he/she first realized the disease or illness was caused or aggravated by their employment.
- b. Initiate the process for all safety-related events through SMIS.
- c. File Form CA-2: Notice of Occupational Disease and Claim for Compensation for illnesses or conditions developed due to prolonged exposure lasting more than one day or shift.
- d. Confirm electronic receipt of claim by their supervisor.
- e. Provide their supervisor with regular updates on the status of their medical recovery, including written status reports from the medical provider, as well as the expected date of return to work.

### 3) **Requirements for Managers and Supervisors**

- a. Ensure the injured employee receives proper medical treatment.
- b. Ensure the injured employee initiates the claims process for a traumatic injury, or occupational disease or illness, through the SMIS.
- c. Review the employee's claim and complete the supervisor portion through the ECOMP within 10 working days from the date the employee initiates claim.
- d. Authorize medical examination or treatment by completing Form CA-16 through ECOMP within 4 hours of the claimed injury, but not later than 48 hours unless the injury requires emergency hospitalization; and provide the injured employee with a completed first page of Form CA-16.
- e. Provide the WCC with the completed Form CA-16 Page 1 for submission to OWCP.
- f. Complete an accident/incident report through SMIS within 7 calendar days in accordance with 485 DM 7, for all job-related accidents and incidents for employees they supervise.

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- g. Following treatment of the injured employee, initiate an investigation of the accident/incident either personally or through a trained accident investigator.

#### 4) **Requirements for the WCC**

- a. Review the claim form through ECOMP within 14 calendar days or 10 working days from the date the employee initiates a claim, to submission to OWCP.
- b. Verify information entered on the claim form by the claimant.
- c. Ensure that the supervisor listed is truly that employee's supervisor.
- d. Make any necessary corrections to the supervisor's report portion on Form CA-1 or CA-2.
- e. Upload any additional documentation to the claim for OWCP's review.
- f. Complete the OWCP Case Audit through the SMIS Case Management System within 20 calendar days to track short and long term OWCP cases being managed.

### **B. Training Requirements**

- 1) Prior to obtaining an ECOMP Agency Reviewer (AR) account from the DSRM, the WCC must complete mandatory ECOMP AR web-based self-certification training. This training is available on the DOL OWCP ECOMP home page here: <https://www.ecomp.dol.gov>
- 2) Prior to obtaining an ECOMP AR account and a SMIS WCC account from the DSRM, the WCC must satisfactorily attend and complete OWCP Compensation Specialists in the Federal Employees' Compensation Act Training. The calendar of training is available on the DOL OWCP home page here: <https://www.dol.gov/owcp/contacts/fecacont.htm>

### **1.8 Reports and Forms.**

- A. The OWCP Chargeback Report must be submitted by the RSM to the DSRM no later than 15 calendar days after the end of the quarter (this is for reporting on the previous quarter). This report is available on the SMIS WCC site, and only those RSM WCC with an approved account may access it.

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- B.** The BIA-2504: Occupational Injuries and Illnesses Report must be submitted by the RSM to the DSRM no later than 15 calendar days after the end of the quarter (this is for the reporting on the previous quarter)

This form can be found on the IA Safety Management System SharePoint site here: <https://doimspp.sharepoint.com/sites/bia-ems/iasafety> and on the IA Forms webpage here: <https://www.bia.gov/policy-forms/online-forms> (on the ‘Indian Affairs Specific Forms and Guidance’ tab).

- C.** A comprehensive list of required reports and forms is further detailed in the BIA Safety and Health Handbook for Field Operations; specifically, Topic 18: Accident/Incident Investigations, Topic 23: Workers’ Compensation, Topic 24: Return to Work, and Topic 28: Recordkeeping and Reporting. This handbook is on the IA Directives webpage here: <https://www.bia.gov/policy-forms/handbooks>

Additional information and resources are available on the IA Safety Management System (a.k.a. IA Safety Connect) SharePoint site here: <https://doimspp.sharepoint.com/sites/bia-ems/iasafety>. This site is accessible to all IA employees through the following: 1) BIA Office 365 Active Directory Accounts [for users with a bia.gov email address], 2) BIE employees with existing Office 365 accounts, or 3) by invitation by going to <https://tinyurl.com/ia-connect>

## Approval

**JASON FREIHAGE** Digitally signed by JASON  
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Jason Freihage  
Deputy Assistant Secretary – Management

Date